

## INSPECTIONS AND APPEALS DEPARTMENT[481]

### Adopted and Filed

Pursuant to the authority of Iowa Code sections 10A.104(5) and 135C.14, the Department of Inspections and Appeals hereby amends Chapter 57, “Residential Care Facilities,” Chapter 62, “Residential Care Facilities for Persons with Mental Illness (RCF/PMI),” and Chapter 63, “Residential Care Facilities for the Intellectually Disabled,” Iowa Administrative Code.

These amendments rescind rules which require that an individual first must be a certified nursing assistant (CNA) before becoming a certified medication aide (CMA) in residential care facilities, including facilities for persons with mental illness and facilities for the intellectually disabled. Eliminating this requirement will permit an individual to become trained as a CMA without first being trained as a CNA. These amendments also eliminate references to a residential aide course, as this course is no longer available, as well as remove requirements that an individual must be employed by a facility for at least six months prior to applying for the medication aide course.

Adoption of these amendments allows residential care facilities to more easily hire CMAs. The Department understands that it is difficult for residential care facilities to hire CMAs to work in smaller facilities when a CMA is expected to become a CNA before becoming a CMA. The University of Iowa is developing a training program for individuals wishing to become CMAs.

The Department does not believe that the adopted amendments will pose any financial hardship on any regulated entity or individual.

Notice of Intended Action was published in the Iowa Administrative Bulletin on February 3, 2016, as **ARC 2395C**. Comments were received from multiple residential care facilities, community colleges, and other interested persons. While most commenters agreed with eliminating the requirement that a CMA must first be a CNA, individuals representing the small residential care facilities in Iowa urged the Department to retain the medication manager provision.

The Notice of Intended Action proposed a provision that medication managers in residential care facilities with 15 or fewer beds must become a CMA within three years from the effective date of the rule making. The 36-month certification requirement, previously proposed in Items 2 and 5 of the Notice of Intended Action, has been eliminated.

The State Board of Health initially reviewed the proposed amendments at its January 13, 2016, meeting, and approved them at the Board’s July 13, 2016, meeting.

After analysis and review of this rule making, it has been determined that adoption of these amendments may increase employment opportunities for individuals seeking jobs as CMAs.

These amendments are intended to implement Iowa Code section 135C.14.

These amendments shall become effective September 7, 2016.

The following amendments are adopted.

ITEM 1. Amend paragraph **57.19(3)“d”** as follows:

*d.* Prior to taking a department-approved medication aide course, the person shall: have a letter of recommendation for admission to the medication aide course from the employing facility. (III)

~~(1) Successfully complete an approved residential aide course, nurse aide course, nurse aide training and testing program or nurse aide competency examination; (III)~~

~~(2) Have a letter of recommendation for admission to the medication aide course from the employing facility. (III)~~

ITEM 2. Amend paragraph **62.15(2)“d”** as follows:

*d.* Prior to taking a department-approved medication aide course, the individual shall: have a letter of recommendation for admission to the medication aide course from the employing facility.

~~(1) Successfully complete an approved residential aide course, nurse aide course, nurse aide training and testing program or nurse aide competency examination;~~

~~(2) Be employed in the same facility for at least six consecutive months prior to the start of the medication aide course. This requirement is not subject to waiver.~~

~~(3) Have a letter of recommendation for admission to the medication aide course from the employing facility.~~

ITEM 3. Amend paragraph **63.18(3)“d”** as follows:

*d.* Prior to taking a department-approved medication aide course, the individual shall: have a letter of recommendation for admission to the medication aide course from the employing facility.

~~(1) Successfully complete an approved residential aide course, nurse aide course, nurse aide training and testing program or nurse aide competency examination;~~

~~(2) Be employed in the same facility for at least six consecutive months prior to the start of the medication aide course. This requirement is not subject to waiver.~~

~~(3) Have a letter of recommendation for admission to the medication aide course from the employing facility.~~

[Filed 7/13/16, effective 9/7/16]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 8/3/16.